

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

SHANNON EARL TROCHE,	:	
	:	NO. 1:12-CV-00176
Plaintiff,	:	
	:	
	:	
v.	:	<b>OPINION AND ORDER</b>
	:	
	:	
DONALD MORGAN, Warden	:	
	:	
Defendant.	:	

This matter is before the Court on the Magistrate Judge's Report and Recommendation (doc. 7), to which Plaintiff filed objections (doc. 9). The Magistrate Judge recommends the dismissal of all but one of Plaintiff's claims. However, because the Court finds that justice will best be served by appointing counsel for Plaintiff, the Court declines to adopt the Magistrate Judge's Report and Recommendation. Instead, the Court GRANTS Plaintiff's motion to appoint counsel (doc. 5), HOLDS IN ABEYANCE Defendant's Motion for Judgment on the Pleadings (doc. 11) and GRANTS leave to Plaintiff, through counsel, to file objections to Defendant's motion within ninety (90) of the filing of this Order.

In brief, Plaintiff alleges that he was attacked and seriously injured by a prison guard and that, to hide his injuries, Plaintiff was "thrown into slammer cell" (doc. 1). The Court finds that the seriousness of these allegations merits the appointment of counsel. Therefore, the Court hereby APPOINTS Gerron L. McKnight

of Frost Brown Todd as counsel for Plaintiff and DIRECTS him to file a notice of appearance in this matter. Although Plaintiff's counsel is representing Plaintiff pro bono, should Plaintiff prevail at trial, he could qualify for reasonable attorney fees under the Civil Rights Attorney's Fees Awards Act of 1976, which added fee authorizing language to 42 U.S.C. § 1988.

SO ORDERED.

Dated: May 29, 2012

/s/ S. Arthur Spiegel  
S. Arthur Spiegel  
United States Senior District Judge